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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,991	02/20/2004	Samuel T. Basta	03-1004-03	7140

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849 136th Ave. N.E.
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EXAMINER

WRIGHT, ANDREW D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,991

Applicant(s)

BASTA, SAMUEL T.

Examiner

Andrew Wright

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11, 15, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield (US 6,435,768) in view of Ramstrom et al. (US 3,999,110).

Regarding claim 11, Mansfield shows a boat lift that is operated using a battery powered drill (column 8, lines 47-63). Ramstrom shows a battery operated drill.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Ramstrom drill with the Mansfield controller. The motivation would be to operate the boat lift in the manner taught by Mansfield.

3. Still regarding claim 11, the drill shown by Ramstrom constitutes a boat lift controller. The drill portion that does not include the battery pack (10) constitutes an electronic control unit. It comprises the trigger switch, electric motor, and circuitry between these components and circuitry to communicate with the battery pack. The battery pack (10) constitutes a battery assembly unit. It is removably engaged with the drill by latch (24) and notches (50). When engaged it is in electronic communication with the drill via contacts (48). It contains a rechargeable battery. It contains circuitry (54) that is necessary for operation of the controller.

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4. Regarding claim 15, the drill portion that does not include the battery pack (10) constitutes a control unit. It comprises the trigger switch, electric motor, and circuitry between these components and circuitry to communicate with the battery pack. This circuitry is necessary for operation of the boat lift. The battery pack (10) constitutes a battery assembly unit. The latch (24) and contacts that engage battery contacts (48) constitute a means for electronically and operatively engaging a battery assembly unit. The battery assembly unit has circuitry that is necessary for operation of the boat lift.

5. Regarding claim 17, the battery pack (10) comprises a rechargeable battery. The contacts (48) and notches (50) constitute a means for electronically and operatively engaging and supplying power to a control unit. Wires (54) constitute some but not all of the circuitry necessary for operation of the boat lift.

6. Claim 20, the batteries are removable from the battery pack.

7. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ (US 4,763,592) in view of Hormann (US 4,218,681). Russ shows a boat lift controller with control unit (10) and remote controller (12). The remote controller constitutes a battery unit assembly. The remote controller is a radio transmitter such as a garage door opener (column 2, lines 24-45). The remote control (12) inherently has some circuitry, due to the presence of the buttons and its ability to send radio signals. That circuitry is necessary for operation of the boat lift. Russ is silent as to how the remote control (12) is powered. It is well known and common to provide power for small hand-held radio transmitters, such as garage door openers, by employing batteries.

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Hormann shows a hand-held transmitter for transmitting two signals. The transmitter uses a rechargeable battery (column 2, lines 46-50). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use rechargeable batteries in the Russ remote control. The motivation would be to provide power for the Russ remote control in a known fashion.

8. Claim 12, the buttons (11, 13) on the transmitter constitute a switch for directing the boat lift up and down.

9. Claims 13 and 14, the control unit comprises receivers (14, 16). These are electronic locks. Remote control (12) comprises a matching electronic key in the form of the signal generator and transmitter of the up signal and down signal. The lock and key are operatively engaged when a signal is sent received. The lock and key will necessarily be matched in terms of frequency, and will only work on a common frequency. As disclosed on page 11 of the specification of the instant application: "...connection between key and lock need not be electrical. For example, control unit lock may employ a receiving device and battery assembly unit key may employ a transmitter or transponder device..."

10. Russ in view of Hormann as described above contains the elements of claims 15-20.

Response to Arguments

11. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number 571-272-6690. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at 571-272-6684. **The Central FAX Number for official communications is 571-273-8300**. The fax number directly to the examiner for unofficial communications is 571-273-6690.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright
Patent Examiner
Art Unit 3617

ANDREW D. WRIGHT
PRIMARY EXAMINER

AW 9/27/05